

## Pt. 11

restated to permit commercial or non-developmental items to satisfy the agency's needs.

(d)(1) If market research establishes that the Government's need may be met by a type of item or service customarily available in the commercial marketplace that would meet the definition of a commercial item at subpart 2.1, the contracting officer shall solicit and award any resultant contract using the policies and procedures in part 12.

(2) If market research establishes that the Government's need cannot be met by a type of item or service customarily available in the marketplace, part 12 shall not be used. When publication of the notice at 5.201 is required, the contracting officer shall include a notice to prospective offerors that the Government does not intend to use part 12 for the acquisition (*see* 5.207(e)).

(e) Agencies should document the results of market research in a manner appropriate to the size and complexity of the acquisition.

[60 FR 48237, Sept. 18, 1995, as amended at 68 FR 43863, July 24, 2003; 68 FR 56679, 56682, Oct. 1, 2003]

## PART 11—DESCRIBING AGENCY NEEDS

Sec.

- 11.000 Scope of part.
- 11.001 Definitions.
- 11.002 Policy.

### Subpart 11.1—Selecting and Developing Requirements Documents

- 11.101 Order of precedence for requirements documents.
- 11.102 Standardization program.
- 11.103 Market acceptance.
- 11.104 Use of brand name or equal purchase descriptions.
- 11.105 Items peculiar to one manufacturer.
- 11.106 Purchase descriptions for service contracts.
- 11.107 Solicitation provision.

### Subpart 11.2—Using and Maintaining Requirements Documents

- 11.201 Identification and availability of specifications.
- 11.202 Maintenance of standardization documents.
- 11.203 Customer satisfaction.
- 11.204 Solicitation provisions and contract clauses.

## 48 CFR Ch. 1 (10–1–05 Edition)

### Subpart 11.3—Acceptable Material

- 11.301 Definitions.
- 11.302 Policy.
- 11.303 Special requirements for printing and writing paper.
- 11.304 Contract clause.

### Subpart 11.4—Delivery or Performance Schedules

- 11.401 General.
- 11.402 Factors to consider in establishing schedules.
- 11.403 Supplies or services.
- 11.404 Contract clauses.

### Subpart 11.5—Liquidated Damages

- 11.500 Scope.
- 11.501 Policy.
- 11.502 Procedures.
- 11.503 Contract clauses.

### Subpart 11.6—Priorities and Allocations

- 11.600 Scope of subpart.
- 11.601 Definitions.
- 11.602 General.
- 11.603 Procedures.
- 11.604 Solicitation provisions and contract clauses.

### Subpart 11.7—Variation in Quantity

- 11.701 Supply contracts.
- 11.702 Construction contracts.
- 11.703 Contract clauses.

### Subpart 11.8—Testing

- 11.801 Preaward in-use evaluation.

AUTHORITY: Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

SOURCE: 60 FR 48238, Sept. 18, 1995, unless otherwise noted.

#### 11.000 Scope of part.

This part prescribes policies and procedures for describing agency needs.

#### 11.001 Definitions.

As used in this part—

*Reconditioned* means restored to the original normal operating condition by readjustments and material replacement.

*Remanufactured* means factory rebuilt to original specifications.

[62 FR 44810, Aug. 22, 1997, as amended at 63 FR 9051, Feb. 23, 1998; 65 FR 36017, June 6, 2000]